



Entered on Docket
April 01, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE 5252
ORANGE, LLC LOAN**

Hearing Date: March 25, 2008
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

Pending before the Court is the USACM Liquidating Trust's Second Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the 5252 Orange, LLC Loan (the "Objection") [DE 5763]. Adequate notice of the Objection was given. The Court heard the Objection on March 25, 2008. No responses were filed to the Objection and no opposition was raised at the hearing. Good cause appearing,

IT IS ORDERED:

- Sustaining the Objection;
- Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they are based upon an investment in the 5252 Orange, LLC Loan. The Proofs of Claim listed in Exhibit A are not affected by this order to the extent they are based upon an investment in a loan(s) other than the 5252 Orange, LLC Loan; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to the Proofs of Claim listed on Exhibit A attached.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
 Susan M. Freeman
 Rob Charles
 John Hinderaker
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust

**5252 ORANGE
Multiple Loan Claims**

**EXHIBIT A
SECOND OMNIBUS OBJECTION**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the 5252 Orange Loan
10725-02305	Erven J. Nelson and Frankie J Nelson Trust	Erven J. And Frankie J. Nelson Ttees 2023 W. Aspiration Point St. George, UT 84790	\$450,000.00	\$50,000.00
10725-00957	Ovca Associates Inc. Defined Pension Plan	c/o William J. Ovca Jr. Trustee 16872 Baruna Lane Huntington Beach, CA 92649	\$275,000.00	\$50,000.00
10725-01574	Ovca Associates Inc. Defined Pension Plan	c/o William J. Ovca Jr. Trustee 16872 Baruna Lane Huntington Beach, CA 92649-3020	\$275,000.00	\$50,000.00
10725-01083	Robert W. Ulm Living Trust Dated 4/11/05	c/o Robert W. Ulm Trustee 414 Morning Glory Road Saint Marys, GA 31558-4139	Unliquidated	Unliquidated
10725-02088	Robert W. Ulm Living Trust Dtd. 4/11/05	Robert W. Ulm Ttee. 414 Morning Glory Road St. Marys, GA 31558	\$688,165.00	\$25,000.00
10725-01365	Richard G. Vrbancic	103 Willow Brook Drive N.E. Warren, OH 44483-4630	\$270,000.00	\$25,000.00